

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPLICATION NO.266 OF 2024

Keyur Papatlal Gala & Anr. ... Applicants
Versus
State of Maharashtra & Anr. ... Respondents

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Mr. Omkar Nagwekar, Advocate for the Applicants.

Mr. Y. M. Nakhwa, APP for the Respondent – State.

Ms. Prabha Badadare, Advocate for Respondent No.2.

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**CORAM : PRAKASH D. NAIK, &
N. R. BORKAR, JJ.**

DATE : 28th FEBRUARY, 2024.

P.C.:

1. Not on board. Taken on Board.
2. The parties have resolved the dispute. The application is preferred for quashing the Criminal Proceedings in C.C. No.255/PW/2022 pending before the learned Metropolitan Magistrate 10th Court, Andheri, Mumbai arising out of C.R. No.47 of 2021 dated 30.01.2021 registered with D.N. Nagar Police Station, Mumbai for offences punishable under Sections 498(A), 323, 504 & 506 r/w Section 34 of Indian Penal Code (for short “IPC”). The First Information Report (for short ‘FIR’) was registered at the instance of Respondent No.2.

3. There is amicable settlement between the parties. Consent Terms are executed. The Consent Terms indicate that both the parties have agreed to settle their dispute amicably and convert the Divorce Petition into Mutual Consent Divorce Petition under Section 13(B) of the Hindu Marriage Act, 1955. The Consent Terms also stipulate that the husband agrees and undertakes to pay sum of Rs.75,00,000/- to the wife as one time lumpsum alimony towards wife and son. The Consent Terms also indicate that since the parties have resolved the dispute, impugned proceedings can be quashed with the consent of Respondent No.2.

4. Respondent No.2 is present in the Court. She has affirmed her consent for quashing the proceedings since there is amicable settlement between them. She has also filed affidavit supporting the prayers sought in this application. It is stated that in view of amicable settlement, filing of Consent Terms, she has no objection to grant the relief prayed by the applicant. The affidavit is taken on record.

5. It is submitted that amount of 75,00,000/- has been deposited in the Family Court and the said amount will be withdrawn by the wife after divorce Petition is allowed.

6. Considering the aforesaid circumstances and since the

dispute is on account of matrimonial discord which has been resolved, the impugned proceedings can be quashed.

ORDER

- i. Criminal Application No.266 of 2024 is allowed;
- ii. Criminal Proceedings in C.C. No.255/PW/2022 pending before the learned Metropolitan Magistrate 10th Court, Andheri, Mumbai arising out of C.R. No.47 of 2021 dated 30.01.2021 registered with D.N. Nagar Police Station, Mumbai is quashed and set aside.
- iii. Application stands disposed of accordingly.

(N. R. BORKAR, J.)

(PRAKASH D. NAIK, J.)